

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 11, 2019

Commander Jonathan White
United States Public Health Service Commissioned Corps
Office of the Assistant Secretary for Preparedness and Response
U.S. Department of Health and Human Services
330 Independence Avenue, SW
Washington, DC 20201

Dear Commander White:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Thursday, February 7, 2019, at the hearing entitled "Examining the Failures of the Trump Administration's Inhumane Family Separation Policy." We appreciate the time and effort you gave as a witness before the Subcommittee.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from certain members of the Committee. In preparing your answers to these questions, please address your response to the member who has submitted the question and include the text of the member's question along with your response. In the event you have been asked questions from more than one member of the Committee, please begin the responses to each member on a new page.

To facilitate the printing of the hearing record, your responses to these questions should be received no later than the close of business Monday, March 25, 2019. As previously noted, this transmittal letter and your response(s), as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your written responses should be emailed to Jourdan Lewis with the Committee staff at Jourdan.Lewis@mail.house.gov. Please provide your response in a single Microsoft Word formatted document, as well as a PDF document.

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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Jourdan Lewis at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink, appearing to read "Frank Pallone Jr.", with a stylized flourish at the end.

Frank Pallone, Jr.
Chairman

Attachments

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Jan Schakowsky (D-IL)

1. Commander White, during the February 7, 2019 hearing, the Office of Refugee Resettlement and Office of the Inspector General officials described the criteria used to separate children from parents. These determinations are typically made in cases where officials find that the parents may pose a danger to the child. Based on your experiences:
 - a. How is this determination made and by whom?
 - b. What constitutes a “danger” to a child? Please provide specific examples.
 - c. Is any criminal history, including immigration offenses, grounds for separation?
 - d. What process, if any, exists for parents or child advocates to challenge a decision to separate the parent and child?

The Honorable Joseph P. Kennedy, III (D-MA)

1. Thank you for sharing your testimony regarding the separation of children from their families along the southern border. As a part of ORR's efforts to identify and track the children, what additional information does ORR need from DHS in order to comply with the 2018 court order?
 - a. Can you provide the key information and demographics ORR currently tracks for the separated children and for all children in the agency's care?
 - b. In your testimony, you mentioned "92 percent of ORR's children came from Honduras, Guatemala, and El Salvador." Beyond the country from which the children have migrated, does ORR track the city, town, village, or other locale where they previously lived; and, if so, how does ORR share this information with other agencies and Congress in order to promote and improve the use of international aid?

The Honorable Greg Walden (R-OR)

1. Does the Office of Refugee Resettlement (ORR) control the number of unaccompanied children that are transferred into its custody on any given day?
 - a. Does ORR have any control over whether those children are true unaccompanied alien children (UAC), as defined by the Trafficking Victims Protection Reauthorization Act (TVPRA), as opposed to a child who was separated from a parent or legal guardian?
 - b. When a child is referred to ORR by the Customs and Border Protection (CBP), what information does ORR receive from CBP? And specifically, if a child is separated from a parent or legal guardian, what information is provided to ORR?
 - c. How has ORR's accounting and tracking of children separated from a parent changed since the implementation of the zero-tolerance initiative?
2. According to the HHS OIG's January 2019 Issue Brief, 118 children have been separated from a parent or a legal guardian between July 1 and November 7, 2018. According to the OIG, 65 of the children were separated because a parent had a criminal history, 18 children were separated because the parent had a gang affiliation, and 19 children were separated because the parent presented a false passport or claimed to be a legal guardian without proof, among other reasons. OIG cautioned, however, that "in some cases, little detail was provided" to ORR.
 - a. What happens if CBP does not provide sufficient information about a child to ORR? What can ORR do to obtain this information?
 - b. What can Congress do to ensure that ORR is receiving complete information about the children transferred by DHS?

The Honorable Brett Guthrie (R-KY)

1. I'm concerned about the health effects of the traumatic journey that these children endure on their way to the United States. Given your experience with ORR, can you describe, from a medical perspective, the trauma that a child may endure on his or her journey to the United States?
 - a. What resources are important for the child to have access to as soon as they reach the United States to minimize the negative effects of their traumatic journey to the United States?
 - b. Can you please describe, in detail, the services offered by ORR – specifically the medical and mental health services that are provided?
2. In 2014, The Washington Post reported that ORR placed a UAC with sponsors in central Ohio who were later discovered to be human traffickers who forced the child to work 12 hours a day on an egg farm. The Associated Press reported additional instances of abuse after ORR placed UAC with sponsors. The Committee was concerned and as a result sent three letters to HHS raising grave concerns about the care, placement, and lack of follow-up that ORR was providing for UAC. Improvements were made to the policies and procedures at ORR – including increased medical services, increased and more thorough background checks of potential sponsors, as well as follow-up calls, and in some cases post release services, that are provided to UACs after they are released from ORR custody and placed with a sponsor.

It is my understanding that in April 2018 a Memorandum of Agreement (MOA) was entered into between CBP, ICE, and ORR that initially required that the sponsor undergo fingerprint background checks and also required adult members of the potential sponsor's household to undergo fingerprint background checks. However, a December 18, 2018 New York Times article noted that HHS said that it would no longer require that all members of a household where a child is to live be fingerprinted. Instead, fingerprints will be required only of the adult who is sponsoring the minor, typically a parent or another relative.

Given the Committee's longstanding concerns about the safety and well-being of the children in ORR's care, please explain why this fingerprint policy was reversed?

3. It is my understanding that the HHS currently operates a network of more than 100 shelters in 17 states across the country. How many total beds does ORR have for UAC across its entire network?
 - a. What was the total number of UAC at the peak of the surge in 2014?

- b. It is my understanding that the number of UAC coming across the border and coming into ORR's care fluctuates. What have the numbers looked like more recently, specifically during the zero-tolerance initiative and since?
 - c. Given the fluctuation in the number of UAC that have been coming across our southern border since 2014, and probably even before then, how does HHS and ORR accommodate for those types of influxes?
 - d. Has HHS or ORR made efforts to bring on additional permanent bed capacity? Please describe this process, including the number of permanent beds being added, and the status of adding beds to the permanent bed capacity.
 - e. What does ORR believe is an ideal number of permanent beds to have as part of its total capacity?
4. Can you describe the difference in cost between the various types of ORR facilities? For example – what would the cost be to care for a UAC, per day, at a facility that has a more transitional foster care model versus a temporary influx facility such as Homestead or the recently closed Tornillo?
5. How does ORR determine when and where to open a temporary influx facility?
- a. How long does it take to stand-up and take down a temporary influx facility?
 - b. What is ORR's policy for evacuating any facility when there is a threat of a natural disaster – for example a hurricane?
 - c. Since Florida is a state that is known to experience hurricanes, as well as threats of possible hurricanes during hurricane season – which this year is expected to be from the beginning of June to the end of November – how does that effect Homestead as an ORR facility?
 - d. How have hurricanes affected the ORR program more broadly – especially since Hurricane Harvey likely affected some of the facilities in Texas?
6. Recent media reports have suggested there is a difference in the care that UAC receive depending on which ORR facility they are placed at while they are in ORR's custody. Specifically, there have been allegations that the care in temporary influx facilities, such as Tornillo or Homestead, is subpar to other facilities. Is there a difference in the care that UAC have received at temporary influx facilities such as Tornillo or Homestead as compared to other ORR shelters or facilities?

- a. How long has HHS and ORR utilized temporary influx facilities and why are they utilized?
7. At the time of the hearing there were still six children in ORR care who might potentially be reunified with the parent from whom they were separated, but according to the most recent numbers provided by HHS that number has dropped to five. Of those five children, it is my understanding that four children have parents outside of the U.S. and for those four children an ACLU steering committee has advised that these cases will be delayed resolutions or is requesting an extension.

When was HHS or ORR first notified by the ACLU that there would be delayed resolutions or a requested extension for those four cases?

- a. Are there any details you can provide as to why the reunifications for these four children has been delayed?
 - b. Can HHS or ORR do anything to reunify these children or place them with a sponsor until HHS/ORR is provided an answer from the ACLU?
8. According to the HHS OIG Issue Brief, ORR officials and staff observed a significant increase in the number and proportion of children (i.e. children separated from their parent or legal guardian by DHS) relative to other UACs in the summer of 2017. The Issue Brief also stated that staff had begun informally tracking separations in 2016, recognizing that additional information and effort was required to locate parents of separated children. Does HHS know why ORR staff began informally tracking separations in 2016?
 - a. Please provide any additional details about this informal tracking such as who made the decision to start doing it and whether it was program wide or limited to a specific facility, grantee, or region.
 - b. Why was the tracking informal rather than a formal practice or policy?
 - c. Is there a benefit to HHS tracking this information – whether it's provided to HHS by DHS or whether HHS were to be required to track it themselves?
 - i. If so, and if the law was changed to require HHS to track separated children that are transferred to its custody, what information, tools, or resources would ORR need that it does not currently have from other Departments or Congress?